

RECEIVED

2015 DEC 31 PM 5:01

MEASURE 4
IMPARTIAL ANALYSIS

CITY OF RANCHO MIRAGE
The City of Rancho Mirage is authorized pursuant to California Elections Code Section 9603 to hold an advisory election for the purpose of enabling qualified voters of the City to voice their opinions on substantive issues pertaining to the proposed CV Link project. As such, the results of Measure 4 will provide an indication of general voter opinion regarding whether CVAG should be allowed to use \$20,000,000 of Measure A funds to pay for the construction and/or maintenance of CV Link.

Measure A (as codified in Ordinance No. 02-001) is a one-half cent sales tax that was approved by the voters in 1988 and was extended in 2002 by the voters for an additional thirty-year term. Measure A is considered to be a "special tax." The California Constitution defines a "special tax" as any tax imposed for specific purposes and Government Code Section 53724 (e) specifically provides that "[t]he revenues from any special tax shall be used only for the purpose or service for which it was imposed, and for no other purpose whatsoever."

The specific purposes of Measure A funds for the Coachella Valley Area are limited to the following:

- Improve traffic flow and reduce congestion on Highway 111;
- Add / improve interchanges on Highway 86 and I-10;
- Provide funding for local streets and roads improvements;
- Improve Safety and Visibility at Major Intersections and Arterial Roads;
- Reduce congestion by improving major roadways identified as important by local governments in the Coachella Valley;
- Provide Express East-West Transit Routes in the Coachella Valley; and
- Improve and expand public and specialty transit service.

To ensure that Measure A funds are only used for the specific purposes presented to and approved by the voters, as required by Government Code Section 53724 (e), Measure A mandates that an annual financial audit of program expenditures be conducted to verify that all Measure A funds are expended in accordance with the CVAG Transportation Program set forth in Ordinance No. 02-001.

At the February 2012 CVAG Executive Committee meeting, the Executive Committee approved using \$20,000,000 of Measure A funds for CV Link. The Master Plan specifically states that CVAG planned to complete a Neighborhood Electric Vehicle (NEV) Transportation Plan in 2015 that will consist of 211 miles of various NEV paths, lanes and routes that will include CV Link. California Streets & Highways Code Section 1962, *et seq.* is the legal authority that authorizes the establishment of a NEV Transportation Plan in Riverside County. Section 1962, however, was not adopted until 2011 –nine years after Measure A was presented to the voters for its thirty-year extension. As such, it was not included as one of the specific purposes of Measure A. As a special tax, Measure A is subject to Government Code Section 53724 (e), which provides that its revenues shall be used only for the purpose for which it was imposed, and for no other purpose whatsoever.

Steven B. Quintanilla, City Attorney